

1 Joel E. Boxer - State Bar No. 50169  
[REDACTED]  
2 Bonita D. Moore - State Bar No. 221479  
[REDACTED]  
3 BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

JAN 20 2012

John A. Clarke, Executive Officer/Clerk  
BY M. Flores Deputy  
Mary Flores

Attorneys for James P. Spears and Andrew M. Wallet as Co-Conservators of the Estate of Britney Jean Spears, on behalf of Defendant Britney Jean Spears

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 | SAM LUTFI, an individual.

**13 Plaintiff,**

14 |

vs.

15 LYNNE IRENE SPEARS, an individual,  
16 JAMES PARSELL SPEARS, an  
individual, BRITNEY JEAN SPEARS, an  
individual; and DOES 1 through 25,  
17 inclusive.

**18** Defendants.

CASE NO. BC 406904

**NOTICE OF MOTION AND MOTION  
UNDER CRC 2.551(b)(3)(B) TO  
RETAIN AS SEALED MULTIPLE  
DOCUMENTS SEALED BY  
ANOTHER JUDGE IN ANOTHER  
PROCEEDING; MEMORANDUM OF  
POINTS AND AUTHORITIES**

*[Filed Concurrently with Request for  
Judicial Notice]*

Date: TBD  
Time: TBD  
Dept.: TBD

*Assigned to Dept. I For Reassignment*

Action Filed:  
Trial Date:

RECEIVED  
February 3, 2009  
Vacated

ASE: BC406904 LE/MEP  
PT #: CCH7805313  
PAID: 01/20/12 02:07 PM  
NT: [REDACTED]  
VED:  
CHECK:  
CASH:  
CHANGE:  
CARB:

<sup>25</sup> Following the filing of a CCP § 170.6 affidavit, this case was reassigned from Department 10 to Department 1 for reassignment to a new jurist. As of the filing of this motion, reassignment to a civil trial department has not yet been ordered by the Presiding Judge.

319477.1

**NOTICE OF MOTION AND MOTION UNDER CRC 2.551(b)(3)(B) TO RETAIN AS SEALED MULTIPLE DOCUMENTS SEALED BY ANOTHER JUDGE IN ANOTHER PROCEEDING; MEMORANDUM OF POINTS AND AUTHORITIES**

1 TO PLAINTIFF AND HIS COUNSEL OF RECORD AND ALL OTHER  
2 INTERESTED PARTIES:

3 PLEASE TAKE NOTICE that at a date, time and department to be determined  
4 pending reassignment of the above-entitled action,<sup>2</sup> at this Court at 111 North Hill Street,  
5 Los Angeles, CA 90012, Defendants James Parnell Spears and Andrew M. Wallet, co-  
6 conservators of the Estate of Britney Jean Spears, appearing in this action to defend the  
7 contract claims against her, will move this Court pursuant to California Rule of Court  
8 2.551(b)(3)(B) for an order retaining as sealed eight filed documents which appear to have  
9 been sealed in 2007 by Judge (then Commissioner) Scott Gordon in another proceeding.

10 This motion is made on the grounds that Plaintiff is wrongfully utilizing the  
11 "conditional" sealing procedure of California Rule of Court 2.551(b)(3), as this procedure  
12 is inapplicable to documents already ordered sealed by a jurist in another proceeding. The  
13 proper and available procedure Plaintiff should have utilized is to bring before Judge  
14 Gordon – who ordered the sealing – under California Rule of Court 2.551(h)(1), a noticed  
15 motion to unseal. By using the inapplicable CRC 2.551(b) conditional sealing procedure,  
16 Plaintiff is in effect doing an end-run around Judge Gordon.<sup>3</sup>

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23

24 \_\_\_\_\_  
25 <sup>2</sup> See Footnote #1 regarding pending reassignment of this case to a new trial judge.

26 <sup>3</sup> If Plaintiff were to bring a properly noticed motion under CRC 2.551(h)(1) before Judge  
27 Gordon to unseal records, counsel for the Co-Conservators will at that time file a  
substantive opposition seeking to persuade Judge Gordon not to unseal records he ordered  
sealed in 2007.

28

319477.1

1 This motion is based on this Notice, the attached Memorandum of Points and  
2 Authorities, such matters as the Court may take judicial of pursuant to the concurrently  
3 filed Request for Judicial Notice, the files and records of this Court and such argument as  
4 will be considered by the Court at the time of the hearing on this motion.

6 | DATED: January 20, 2012

Respectfully submitted,

Joel E. Boxer  
Bonita D. Moore  
**BIRD, MARELL  
NESSIM, DRG**

By:

Joel E. Boxer

Attorneys for James P. Spears and Andrew M. Wallet as Co-Conservators of the Estate of Britney Jean Spears, on behalf of Defendant Britney Jean Spears

## **MEMORANDUM OF POINTS AND AUTHORITIES**

I

## **INTRODUCTORY STATEMENT**

4 Plaintiff's alleged breach of contract claims are defended here by Britney Jean  
5 Spears' Co-Conservators. Her Conservatorship was established in February 2008 and has  
6 been under the supervision and jurisdiction of the Probate Department of this Court from  
7 inception to the present.<sup>4</sup>

8        Before the Conservatorship was established in February 2008, Ms. Spears was  
9 involved in a heavily litigated, contentious child custody and visitation dispute with her ex-  
10 husband. The custody and visitation dispute was actively litigated in 2007 (and in later  
11 years) before the Honorable Scott Gordon of the Family Law Department of this Court.<sup>5</sup>

12 In the family law proceedings, Judge (then Commissioner) Gordon issued multiple  
13 orders in 2007 including orders sealing records of the results of Court-ordered random  
14 drug testing of Ms. Spears and orders protecting the privacy and safety of Ms. Spears' two  
15 very young children.

16 The Plaintiff in this action, Osama "Sam" Lutfi, lived with Ms. Spears in 2007. He  
17 was a conduit for communications between Ms. Spears and her then family law attorneys.  
18 He appears to have first obtained in 2007 and later retained copies of documents describing  
19 and relating to the results of the Court-ordered drug testing of Ms. Spears and Court-  
20 supervised monitoring of Ms. Spears' visitation sessions with her young children. These  
21 documents on their face appear to fall squarely within the scope of sealing orders issued by  
22 Judge Gordon.

24       <sup>4</sup> The Conservatorship is docketed in the records of this Court as Los Angeles Superior  
25 Court Case No. BP108870 and is currently under the ongoing supervision of the Honorable  
Reva Goetz.

<sup>20</sup> The Spears family law proceedings are docketed in the records of this Court as Los Angeles Superior Court Case No. BD455662.  
<sup>21</sup>

1        Rather than apply to Judge Gordon for relief from the sealing orders in the family  
2 law proceedings, Lutfi on January 5, 2012 inappropriately invoked the conditional sealing  
3 provisions of the current version of California Rule of Court 2.551(c) in an attempt to  
4 unseal some of the records that are subject to sealing orders issued by Judge Gordon.

5        Leaving aside (for purposes of this motion) the issue of Lutfi's wrongful retention  
6 of these documents, Lutfi is utilizing the wrong procedure in the wrong department. The  
7 appropriate and mandated procedure for unsealing records ordered sealed by order of the  
8 Court is found not in California Rule of Court 2.551(b), the conditional sealing procedure,  
9 but rather in California Rule of Court 2.551(h)(1). That rule specifically provides that  
10 applications to unseal records are to be made by noticed motion in the Court in which the  
11 sealing order was issued with notice provided to all affected parties. Recent case law  
12 confirms that the proper court for hearing the noticed motion to unseal a record is the jurist  
13 who issued the order or her or his successor in the same proceeding. Cf., *In Re Marriage*  
14 *of Nicholas*, 186 Cal. App. 4th 1566, 1569 (2010) (sealing orders are subject "to  
15 continuing review and modification *by the trial judge who sits in the same judicial  
16 proceeding*") (emphasis added).

17       In this instance, Judge Gordon, who issued the 2007 sealing orders in the family law  
18 case, is still sitting as a family law department of this Court. But Lutfi has not made an  
19 application to unseal to him. Nor has he filed a noticed motion. Nor has he given notice  
20 of a motion to unseal to all of the parties in the family law proceeding, BD455662, in  
21 which the orders were issued.

22       If and when Lutfi makes proper application to Judge Gordon to unseal any records,  
23 the Co-Conservators on behalf of Ms. Spears will at that time demonstrate why they  
24 believe the sealing order dealing with drug testing results and monitored child visitation  
25 should not be altered.<sup>6</sup>

26 \_\_\_\_\_  
27       <sup>6</sup> Lutfi in his Motion In Limine No. 2 seeks an order admitting into evidence documents  
28 (footnote continued)

319477.1

III

## **JUDGE GORDON'S PRIOR SEALING ORDER**

In 2007 Judge (then Commissioner) Gordon issued numerous orders providing for random drug testing of Britney Spears pursuant to Family Code §3041.5.<sup>7</sup> On September 17, 2007, Judge Gordon also issued a lengthy sealing order directed to the visitation issues and in particular the privacy and safety of Ms. Spears' two small boys, both then under two years of age.<sup>8</sup>

At page 11 of the October 3, 2007 minute order, the Court pursuant to Family Code § 3041.5 ordered random drug testing twice a week of Ms. Spears and further ordered as follows:

11 "The results of said testing shall be forwarded to the Court and will be sealed  
12 in the Court file. **The testing facility is specifically ordered to file hard**  
13 **copies of the results directly with the Court. The testing facility is**  
14 **ordered not to fax the results to the Court.** The results shall not be  
15 released except upon order of the Court. Any person receiving test results  
16 upon order of the Court shall receive notice that unauthorized distribution of  
17 test results is punishable by civil sanctions up to \$2,500. (Family Code  
18 § 3041.5)." [Emphasis in original.]

19       Earlier, on September 17, 2007, the Court had issued an order regarding sealing of  
20 documents.<sup>9</sup> In that order, the Court describes the documents which "shall be redacted and

22 he marked as Exhibits 36 through 43. The Co-Conservators will address admissibility issues in their opposition to this motion in limine.

<sup>7</sup> See Request for Judicial Notice (“RJN”), Exhibit 1, a copy of Judge Gordon’s October 3, 2007 Minute Order in Los Angeles Superior Court Docket No. BD455662, provided as an example of such orders.

<sup>8</sup> See Request for Judicial Notice, Exhibit 2, a copy of Judge Gordon's September 17, 2007 order in Los Angeles Superior Court Docket No. BD455662.

<sup>27</sup> See Request for Judicial Notice, Exhibit 2.

1 sealed, and the records relating thereto shall not be disseminated, disclosed and/or  
2 published in any way, or the substance thereof communicated to anyone other than the  
3 Court, the parties, the parties' respective counsel of record and the parties' respective  
4 expert witnesses." See RJD, Exh. 2, pp. 11-12. This order goes on to describe what  
5 information shall be redacted and sealed pursuant to the Court's order, including the  
6 following:

7 "c. Information relating to the child custody issues involving the mental and  
8 physical health of the parties and the children;" and

9 "k. Declarations, exhibits and attachments submitted and relating  
10 specifically to child custody and visitation issues [excluding matters in the  
11 public domain]."

12 *Id.* The effect of these orders was that all pleadings, declarations and exhibits  
13 concerning the results of mandated drug testing were to be sealed in LASC Case No.  
14 BD455662, along with documents relating to the monitored visitation and the privacy of  
15 the two children.

16 III

17 **THE CURRENT PROCEEDING BEFORE THIS COURT**

18 In 2007, in the midst of the stressful family law custody battle, Ms. Spears became  
19 entangled with Plaintiff Osama "Sam" Lutfi. The nature of that relationship was such that,  
20 when the Spears conservatorship began in 2008, Judge Goetz issued and continued  
21 temporary restraining orders against him; the following year, Judge Bobb, also sitting in  
22 the Probate Department, issued temporary and permanent 3-year restraining orders in 2009  
23 against Lutfi. Lutfi's response, among other steps, was to bring this civil suit alleging his  
24 entitlement to millions of dollars of Britney Spears' entertainment industry earnings based  
25 on an alleged oral contract entered into on October 13, 2007. He has also sued in this  
26 action her parents as individual defendants for defamation, battery and intentional  
27  
28

1 infliction of emotional distress.<sup>10</sup> In June 2011 Judge Sinanian (who presided over this  
2 civil case from its inception until the end of 2011 (when he was reassigned to the  
3 settlement panel of this Court), denied Lutfi's motion to compel the production of the  
4 results of Court-ordered drug testing of Ms. Spears ordered in the family law proceedings  
5 by Judge Gordon or of visitation monitor reports also ordered by Judge Gordon in the  
6 family law proceedings in 2007.

7 Following Judge Sinanian's reassignment to the settlement panel, this case was  
8 reassigned to another jurist effective January 2, 2012. One of the defendants filed a CCP  
9 § 170.6 challenge shortly after the reassignment and on January 12, 2012 the case was  
10 reassigned to Department 1 of this Court for purposes of reassignment to a new trial judge.  
11 That reassignment has not yet taken place, but the final status conference and trial dates  
12 were vacated.<sup>11</sup>

13                          IV

14                          **THE DOCUMENTS WHICH APPEAR SUBJECT TO JUDGE GORDON'S**  
15                          **ORDERS**

16                          In his January 5, 2012 filing, Plaintiff listed the following proposed trial exhibits  
17 which appear to be subject to Judge Gordon's sealing orders in the family law matter,  
18 LASC Case No. BD455662:

19                          Exhibit 36 – a declaration of Dennis M. Giroux describing the results through  
20 November 15, 2007 of the Court-ordered drug testing.

21                          Exhibit 37 – a letter dated November 14, 2007 concerning Ms. Spears' physical  
22 health relating to custody and visitation issues.

23                          Exhibit 38 – a declaration of Britney Spears dated November 14, 2007 concerning

24  
25                          <sup>10</sup> Britney Spears' parents are represented by separate counsel on the tort claims asserted  
against them in their individual capacities.

26                          <sup>11</sup> The final status conference originally was set for January 12, 2012, with trial beginning  
27 January 23, 2012.

I | her current medication's effect on her ability to drive her children.

2 Exhibit 39 – a declaration of James DeLong, M.D. concerning Ms. Spears' physical  
3 and mental health relating to her driving a motor vehicle.

4 Exhibit 40 – a declaration of Carl E. Steinberg, M.D. discussing Ms. Spears'  
5 physical and mental health concerning her capacity to drive a motor vehicle.

6 Exhibit 41 – a November 14, 2007 declaration of “Sam Lufti” (sic) describing  
7 communications between representatives of a drug-testing facility and Ms. Spears.

8 Exhibit 42 – a copy of a monitored visitation report of November 8, 2007.

9 Exhibit 43 – a declaration of Kendra Cripe relating to the drug testing.

10

v

**UNDER CALIFORNIA RULE OF COURT 2.551 ANY APPLICATION TO  
UNSEAL PREVIOUSLY SEALED RECORDS IS TO BE BROUGHT BY  
NOTICED MOTION IN THE FAMILY LAW PROCEEDINGS BEFORE THE  
JUDGE WHO ISSUED SEALING ORDERS**

15

On January 5, 2012, Plaintiff wrongfully served and filed "Conditionally" under seal trial exhibits 36-43 which appear to have been previously sealed by a Court order issued by another sitting judge in another proceeding.

18

16 Relying on California Rule of Courts 2.551(b)(3), Plaintiff purported to  
17 conditionally seal Exhibits 36-43. But any previously sealed documents are not subject to  
18 that subsection of the rule. CRC § 2.551(b)(3)(A) states it applies to “records produced in  
19 discovery that are subject to a confidentiality agreement or protective order . . .” not to  
20 documents sealed by another judge in another proceeding.

23

Instead, a previously sealed record is governed by CRC § 2.551(h)(1), which provides that “a sealed record must not be unsealed except by order of the Court,” and by CRC § 2.551(h)(2), the party seeking “to unseal a record” must move and apply or petition the Court to unseal a sealed record. This subsection of the rule also provides that such a motion is to be accompanied by a notice of motion and an application which are to be

1 served on all parties in the case in which the sealing order was issued.

2 Plaintiff has not taken those required steps in seeking to unseal documents sealed by  
3 Judge Gordon in BD455662. He has not moved or applied pursuant to CRC § 2.551(h) to  
4 unseal the records, he has not filed either the required notice of motion or  
5 petition/application, nor has he served a notice of motion and petition/application to unseal  
6 the records on all of the parties to the family law department case in which it was issued.

7 Plaintiff is manifestly attempting to use – *wrongfully* – the conditionally-sealed  
8 procedure applicable only to discovery or other documents subject to a protective order for  
9 purposes of causing Judge Gordon's 2007 orders to be modified without applying to Judge  
10 Gordon, the issuing jurist, or allowing the parties to that proceeding to respond to a noticed  
11 motion to unseal records. *Cf. In Re Marriage of Nicholas*, 186 Cal. App. 4th 1566, 1569  
12 (2010) (sealing orders are subject “to continuing review and modification *by the trial judge*  
13 *who sits in the same judicial proceeding*”) (emphasis added).

14 Plaintiff's attempt to unseal by resort to the conditional sealing procedure is entirely  
15 wrong for two fundamental reasons: first, that procedure does not by its terms apply to  
16 documents currently sealed by prior Court order; second, if unsealing is sought, a properly  
17 noticed application must be brought before the same jurist who issued the sealing order  
18 with formal notice to all parties in that proceeding.

19 Given these fundamental and profound flaws, it is respectfully submitted that this  
20 Court or any other trial court should not and, indeed, does not have the authority to unseal  
21 records sealed by Judge Gordon in BD455662.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

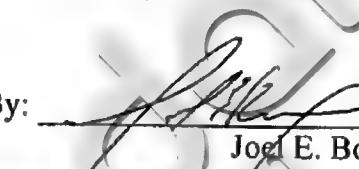
319477.1

1 VI  
23 **CONCLUSION**  
4

5 Under California law, Judge Gordon in family law proceeding BD455662, not this  
6 Court, should resolve on noticed motion to all parties in that action any request by Lutfi to  
7 unseal previously sealed documents. Thus, Lutfi's attempt to wrongfully use the  
8 conditional sealing procedure should be rejected.

9  
10 DATED: January 20, 2012

Respectfully submitted,

11  
12  
13  
14 Joel E. Boxer  
15 Bonita D. Moore  
16 BIRD, MARELLA, BOXER, WOLPERT,  
17 NESSIM, DROOKS & LINCENBERG, P.C.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28By: 

Joel E. Boxer

Attorneys for James P. Spears and Andrew M.  
Wallet as Co-Conservators of the Estate of Britney  
Jean Spears, on behalf of Defendant Britney Jean  
Spears

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 01/24/12

DEPT. 1

HONORABLE Carolyn B. Kuhl

JUDGE

M. GODDERZ

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NONE

Reporter

11:45 am BC406904 Plaintiff NO APPEARANCES  
SAM LUTFI Counsel  
VS Defendant  
LYNNE IRENE SPEARS ET AL Counsel

## NATURE OF PROCEEDINGS:

170.6 CCP RE-ASSIGNMENT

Good cause appearing and on order of the Court, the above matter is reassigned from Department 10, Judge Michael P. Linfield to Department 39, Judge Michael C. Solner for all further proceedings.

If any appearing party has not yet exercised a peremptory challenge under 170.6 CCP, peremptory challenges by them to the newly assigned judge must be timely filed within the 10 day period specified in Section 170.6 CCP, with extensions of time pursuant to CCP 1013 if service is by mail. Previously non-appearing parties, if any, have a 15-day statutory period from first appearance to file a peremptory challenge (68616(1) Govt. Code).

Counsel for the Moving party to give notice.

## CLERK'S CERTIFICATE OF MAILING/ NOTICE OF ENTRY OF ORDER

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 1-24-2012 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 01/24/12

DEPT. 1

HONORABLE Carolyn B. Kuhl

JUDGE

M. GODDERZ

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NONE

Reporter

11:45 am BC406904

Plaintiff

Counsel

NO APPEARANCES

SAM LUTFI

Defendant

Counsel

VS

LYNNE IRENE SPEARS ET AL

**NATURE OF PROCEEDINGS:**

for each, addressed as shown below with the postage thereon fully prepaid.

Date: January 24, 2012

John A. Clarke, Executive Officer/Clerk

By: M. Godderz

M. Godderz

WEISBERG WILLNER & SLOANE

**FILED**  
 Superior Court of California  
 County of Los Angeles

## NOTICE SENT TO:

Schleimer, Joseph D., Esq.  
 Schleimer & Freundlich, LLP

FILE STAMP JAN 25 2012

John A. Clarke, Executive Officer/Clerk  
 By Frank Estrada, Deputy  
 FRANK ESTRADA

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

SAM LUTFI

VS.

Plaintiff(s),

LYNNE IRENE SPEARS ET AL

Defendant(s).

CASE NUMBER

BC406904

**NOTICE OF STATUS CONFERENCE  
AND ORDER**

To plaintiff/petitioner and self-represented parties: Notice is hereby given that the Status Conference in the above-entitled action will be held on February 28, 2012 at 9:00 am in Department 39 of the Central District, located at 111 North Hill Street, Los Angeles, California 90012. Re: Status Conference.

At the Status Conference the Court will determine the present status of the case, how to achieve compliance with time standards, whether any party has not been diligent in pursuing the case, and will make appropriate orders intended to move this matter forward to final disposition.

Plaintiff/Petitioner and self-represented parties must appear at the Status Conference unless, within five days before the status conference, the following has occurred:

- Arbitration Award has been filed.  A Request for Trial De Novo has been filed.  
 Judgment has been entered.  Statement of Agreement has been filed.  
 A Request for Dismissal of the entire action has been filed.  
 Other: \_\_\_\_\_

**ORDER**

Plaintiff/Petitioner is ordered to give notice of said hearing forthwith to any party served with summons and complaint before the status conference hearing and file a Proof of Service in this department within five days before the hearing.

Failure to comply or appear may result in an Order to Show Cause re the imposition of sanctions.

Dated: January 25, 2012\_\_\_\_\_  
 Judicial Officer*Michael C. Sotera***CERTIFICATE OF MAILING**

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Status Conference and Order upon each party or counsel named above by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown above with the postage thereon fully prepaid.

Dated: January 25, 2012

John A. Clarke, EXECUTIVE OFFICER/CLERK

By F. Onada, Deputy Clerk**NOTICE OF STATUS CONFERENCE AND ORDER**

ORIGINAL

1 LEON J GLADSTONE ESO (SBN 70967)

2 GARY R. WALLACE, ESO. (SBN 132214)

3 GLADSTONE MICHEL  
WEISBERG WILNER & SLOANE ALC

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

JAN 26 2012

John A. Clark, Sheriff/Clerk  
By Glorietta Robinson, Deputy

Attorneys for Defendant JAMES PARNELL SPEARS,  
individually

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

SAM LUTFI, an individual,

CASE NO. BC 406904

Plaintiff, } [Case Reassigned for all purposes to  
Hon. Michael C. Solner, Dept. D-391]

LYNNE IRENE SPEARS, an individual; JAMES PARRELL SPEARS, an individual; BRITNEY JEAN SPEARS, an individual; and DOES 1 through 25, inclusive.

**NOTICE OF COURT'S MINUTE  
ORDER RE CCP 170.6  
REASSIGNMENT**

#### **Defendants.**

**DATE ACTION FILED:** 2/3/09  
**TRIAL DATE:** Vacated

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

Please take notice of the Court's Minute Order dated January 24, 2012 in the within action, a true and correct copy of which is attached hereto as Exhibit "1." The Honorable Michael C. Solner, Department 39, has been reassigned to this case for all further proceedings.

11

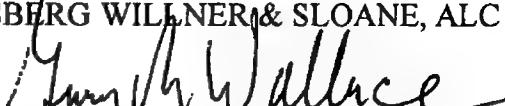
111

1 GLADSTONE MICHEL  
2 WEISBERG WILLNER & SLOANE,  
3 ALC

4 DATED: January 25, 2012

5 GLADSTONE MICHEL  
6 WEISBERG WILLNER & SLOANE, ALC

7 BY:

8   
LEON J. GLADSTONE  
9 GARY R. WALLACE

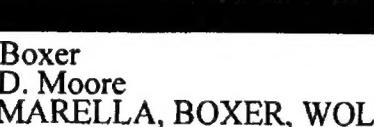
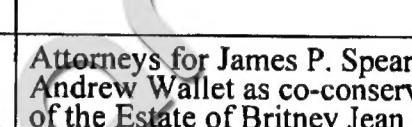
10 Attorneys for Defendant James Parnell Spears,  
11 individually

## **AFFIDAVIT AND DECLARATION OF PROOF OF SERVICE**

I am over the age of eighteen years and not a party to the within action. I am employed by Gladstone Michel Weisberg Willner & Sloane, ALC, whose business address is: 4551 Glencoe Avenue, Suite 300, Marina del Rey, California 90292 ("the firm").

On January 25, 2012, I served the within document(s) described as:  
**NOTICE OF COURT'S MINUTE ORDER RE CCP 170.6 REASSIGNMENT**  
on the interested parties in this action:

- by placing  the original  true copy(ies) thereof enclosed in sealed envelope(s)  
 addressed as follows:  addressed as stated on the attached mailing list.

<p><b>Joseph D. Schleimer</b> Attorney at Law</p> 	<p><b>Attorneys for Plaintiff Sam Lufti</b></p> 
<p><b>Joel E. Boxer</b> <b>Bonita D. Moore</b> <b>BIRD, MARELLA, BOXER, WOLPERT, NESSIM, DROOKS &amp; LINCENBERG, P.C.</b></p>	<p><b>Attorneys for James P. Spears and Andrew Wallet as co-conservators of the Estate of Britney Jean Spears, on behalf of Defendant Britney Jean Spears</b></p>
<p><b>Michael S. Adler, Esq.</b></p> 	<p><b>Attorneys for Defendant/Appellant Lynne Spears</b></p>

- BY MAIL(C.C.P. § 1013(a)) I deposited such envelope(s) for processing in the mail room in our offices. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina del Rey, California, in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

(State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Executed on January 25, 2012, at Marina del Rey, California.

SANDRA ALVARENGA



Ex. I

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 01/24/12

DEPT. 1

HONORABLE Carolyn B. Kuhl

JUDGE

M. GODDERZ

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NONE

Reporter

11:45 am	BC406904  SAM LUTFI  VS LYNNE IRENE SPEARS ET AL	Plaintiff Counsel  Defendant Counsel	NO APPEARANCES
----------	---	--	----------------

**NATURE OF PROCEEDINGS:**

**170.6 CCP RE-ASSIGNMENT**

Good cause appearing and on order of the Court, the above matter is reassigned from Department 10, Judge Michael P. Linfield to Department 39, Judge Michael C. Solner for all further proceedings.

If any appearing party has not yet exercised a peremptory challenge under 170.6 CCP, peremptory challenges by them to the newly assigned judge must be timely filed within the 10 day period specified in Section 170.6 CCP, with extensions of time pursuant to CCP 1013 if service is by mail. Previously non-appearing parties, if any, have a 15-day statutory period from first appearance to file a peremptory challenge (68616(1) Govt. Code).

Counsel for the Moving party to give notice.

**CLERK'S CERTIFICATE OF MAILING/  
NOTICE OF ENTRY OF ORDER**

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 1-24-2012 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope

Ex.1

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 01/24/12

DEPT. 1

HONORABLE Carolyn B. Kuhl

JUDGE

M. GODDERZ

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NONE

Reporter

11:45 am	BC406904	Plaintiff	NO APPEARANCES
	SAM LUTFI	Counsel	
	VS	Defendant	
	LYNNE IRENE SPEARS ET AL	Counsel	

**NATURE OF PROCEEDINGS:**

for each, addressed as shown below with the postage thereon fully prepaid.

Date: January 24, 2012

John A. Clarke, Executive Officer/Clerk

By: M. Godderz  
M. Godderz

WEISBERG WILLNER & SLOANE

COURTCLERK

Page 2 of 2 DEPT. 1

MINUTES ENTERED  
01/24/12  
COUNTY CLERK